

MINUTE ORDER

CASE NUMBER: CRIMINAL NO. 20-00047 LEK

CASE NAME: USA vs. Ameer Antonio Davis et al.,

JUDGE: Leslie E. Kobayashi

DATE: 12/14/2021

COURT ACTION: EO: COURT ORDER GRANTING THE GOVERNMENT'S MOTION TO PARTIALLY UNSEAL MOTION TO CHANGE RESTITUTION VICTIM [ECF NO. 106]

On November 24, 2021, First Hawaiian Bank submitted its Motion to Change Restitution Victim (Corporate) ("Motion"), seeking to change the victim from First Hawaiian Bank to Pacific Courier Inc. as to Defendant Ameer Antonio Davis ("Davis") only. [Dkt. no. 106.] On November 30, 2021, this Court issued an entering order ("11/30/21 EO") denying the Motion and directing Plaintiff United States of America ("the Government") to either: 1) submit an appropriate proposed order of joint restitution, after having its Victim Witness Coordinator notify the defendants and their counsel about the change in First Hawaiian Bank's status; or 2) consult with defense counsel and submit a letter brief suggesting how to document First Hawaiian Bank's change in status as a victim and to amend the sentences regarding restitution. [Dkt. no. 107.] The Government was required to comply with the 11/30/21 EO by December 15, 2021.

On December 9, 2021, the Government filed a motion seeking to partially unseal First Hawaiian Bank's Motion ("Motion to Unseal"). [Dkt. no. 109.] The Government asks this Court to unseal PageID #: 889, 890, 892, and 893 of the Motion for the limited purpose of the Government's consultation with defense counsel, as required by the 11/30/21 EO. [Motion to Unseal at 3.] The Government argues these pages explain the reasons why First Hawaiian Bank requested substitution, and the Government represents that First Hawaiian Bank does not oppose the Motion to Unseal. [Id.] This Court FINDS that there is good cause to partially unseal First Hawaiian Bank's Motion, for the limited purpose that the Government describes. To the extent that the compelling reasons standard applies, this Court also finds that compelling reasons exist.

The Motion to Unseal is therefore GRANTED, and PageID #: 889, 890, 892, and 893 of First Hawaiian Bank's Motion are UNSEALED, to the extent necessary for the Government to consult with defense counsel in compliance with the 11/30/21 EO. In light of the foregoing, the deadline for the Government to comply with the 11/30/21 EO is EXTENDED from December 15, 2021 to **December 22, 2021**.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager